

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:86-cr-00108-MC

Plaintiff,

ORDER

v.

MARTIN ALLEN JOHNSON,

Defendants.

MCSHANE, District Judge:

Defendant Martin Allen Johnson filed a Motion to Reduce Sentence based on President Biden's recent pardon for simple possession of marijuana. Def.'s Mot., ECF No. 269. Mr. Johnson requests that this Court end his special parole condition and strike his federal detainer. For the foregoing reasons, Defendant's Motion is DENIED.

In 1986, Mr. Johnson was convicted of (1) possession of cocaine with intent to distribute, (2) possession of marijuana with intent to distribute, and (3) possession of a firearm as a convicted felon. Opinion and Order 2, ECF No. 262. After his release on parole in 1993, Mr. Johnson was convicted of murder and sentenced to life in prison without the possibility of parole. *Id.* As a result of Mr. Johnson's state conviction, alleged thefts, and other parole violations, the United States Parole Commission placed a federal detainer on Mr. Johnson. *Id.* On October 6, 2022, President Biden issued a proclamation pardoning federal convictions for simple possession of marijuana. *A Proclamation on Granting Pardon for the Offense of Simple Possession of Marijuana*, THE WHITE HOUSE (Oct. 6, 2022). Mr. Johnson now urges this Court to strike his federal detainer in light of President Biden's proclamation. Mot., ECF No. 269.

Mr. Johnson's motion fails because his marijuana conviction is outside the scope of President Biden's proclamation. The proclamation was meant to pardon "only the offense of simple possession of marijuana . . . not any other offenses related to marijuana or other controlled substances." *A Proclamation on Granting Pardon for the Offense of Simple Possession of Marijuana*, THE WHITE HOUSE (Oct. 6, 2022). Because Mr. Johnson was convicted for possession of marijuana with intent to distribute, his offense is not considered a simple possession and therefore, is not pardoned by President Biden's proclamation. Even if Mr. Johnson's marijuana conviction was pardonable, it would be inappropriate to remove his federal detainer because Mr. Johnson committed murder while on federal parole for additional offenses that have not been pardoned.

CONCLUSION

For the above reasons, Defendant's Motion to Reduce Sentence (ECF No. 269) is DENIED.

IT IS SO ORDERED.

DATED this 29th day of June, 2023.

/s/ Michael J. McShane

Michael J. McShane
United States District Judge